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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,719	12/28/2001	Warner Lee Hines	1662-54200 JMH (P01-3951)	2119
22879	7590	05/18/2005	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			NGUYEN, QUYNH H	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/034,719

Applicant(s)

HINES, WARNER LEE

Examiner

Quynh H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Response to Amendment

2. Applicant's amendment filed on 11/16/04 has been entered. Claims 1, 21, 25, and 26 have been amended. No claims have been cancelled. Claims 32-35 have been added. Claims 1-35 are still pending in this application, with claims 1, 21, 25, 26, and 32 being independent.

Claim Rejections - 35 USC § 102

3. Claims 1-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen et al. (U.S. Patent 5,450,482).

Regarding claim 1, Chen et al. teach an intelligent network (Fig. 1 and col. 2, lines 19-23) comprising: a message transport module (Fig. 1, 106 and 107) for receiving messages from a communications network (col. 2, lines 23-28); at least one subsystem (Fig. 1, switch 2) coupled to the message transport module, running an application for performing network services or functions (col. 2, lines 23-33); an operation management module (Fig. 1, switch 1) coupled to the message transport module and the at least one subsystem (col. 2, lines 23-33), performing local operations management for the application, wherein the operations management module determines overload capabilities of the at least one subsystem (col. 3, lines 21-35 and lines 48-52).

Regarding claim 2, Chen et al. teach a plurality of subsystems (switches 1-5) coupled to the message transport module (col. 2, lines 23-28), running a plurality of applications for performing network services or functions (col. 1, lines 40-44 and col. 3, lines 22-35).

Regarding claim 3, Chen et al. teach the operations management module performs local operations management for the plurality of applications (col. 3, lines 22-68).

Regarding claims 4, 12, 13, 15, 22, 27, and 30, Chen et al. teach the operations management module reports a unified status of the intelligent network (col. 3, lines 56-60) and homogenizes the individual status of each of the applications to determine a unified status of the intelligent network server (col. 3, lines 48-68).

Regarding claims 5-11 and 16, Chen et al. teach the operations management module for monitoring events log for the application, determining the status of the application, and initiating corrective measures to avoid a fault or error condition, and sharing message traffic load (col. 3, line 22 through col. 4, line 68).

Regarding claims 14, 18, 23-24, and 28, Chen et al. teach the unified status is reported to the network operations management in the same manner as the status of any other network device or node in the network wherein the message is SS7 message (col. 1, lines 50-63 and col. 2, lines 25-28).

Regarding claim 17, Chen et al. teach the network is a public switched telephone network or PSTN (col. 2, lines 15-18).

Regarding claims 19 and 31, Chen et al. teach the network operations management is performed on a network device remote from the intelligent network server (col. 2, lines 12-14 and col. 5, lines 12-18).

Regarding claim 20, Chen et al. teach the local management is integrated with the transaction level processing of the applications (col. 1, lines 57-63).

Regarding claim 21, Chen et al. teach a communications network (Fig. 1); an intelligent network server (Fig. 1, switch 1 voice trunks 106, and data link 107) coupled to the communications network, the intelligent network server dynamically monitors performance criteria for subsystems on the intelligent network server (col. 3, lines 21-35 and lines 48-68); and a network operations management device coupled to the communications network (Fig. 1).

Claims 25 and 26 are rejected for the same reasons as discussed above with respect to claims 1 and 4. Furthermore, Chen et al. teach the unified health status is based on the operations management for multiple applications (applications to determine type of operator service discussed at col. 3, lines 48-52 and col. 4, lines 38-40) on the intelligent network server (col. 3, line 22 through col. 4, line 65).

Regarding claim 29, Chen et al. teach the steps of: monitoring events of each application (col. 1, lines 40-50 - where Chen et al. discussed when one switch has blocked resources, calls are routed to another switch, thus monitoring events of each application); processing the events using predetermine performance criteria (a threshold) for the applications (col. 3, lines 48-49); and determining the individual status (availability level or unavailability) of each application (col. 3, lines 50-52).

Claim Rejections - 35 USC § 103

4. Claims 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark (U.S. Patent 6,560,326) in view of Chen et al. (U.S. Patent 5,450,482).

Regarding claim 32, Clark teaches the steps of: a communications network (Fig. 1 - *network 2*); a network management device (Fig. 3, 62) coupled to the communications network and configured to manage service control points (SCP 60) coupled to the communications network based on messages received from the service control points (col. 5, line 53 through col. 6, line 6), wherein at least one of the service control points comprises a service on which a plurality of network service applications reside (col. 5, lines 19-30).

Clark does not teach the server is configured to monitor performance criteria of the network service applications and send messages to the network management device based on the monitored performance criteria of each of the network service applications.

Chen et al. teach a communications network (Fig. 1); an intelligent network server (Fig. 1, switch 1 voice trunks 106, and data link 107) coupled to the communications network, the intelligent network server dynamically monitors performance criteria for subsystems on the intelligent network server (col. 3, lines 21-35 and lines 48-68) and send messages to the network management device (col. 3, lines 48-60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the above-mentioned features, as taught by Chen, in Clark's system in order to have a sufficient system thus allowing calls are routed to switch which has available resources whereby reducing system overloading or thrashing.

Regarding claim 33, Chen et al. teach the performance criteria comprises a number of messages received by a network service application (col. 3, lines 64-68) and a time to respond to the number of messages (col. 3, lines 16-20).

Regarding claims 34 and 35, Chen et al. teach the server is configured to identify fault conditions by monitoring and evaluating the operations using at least one of thresholds and statistics and to initiate corrective measures to avoid a fault or error condition (col. 3, line 22 through col. 4, line 68).

Response to Arguments

5. Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:15 A.M. to 4:45 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

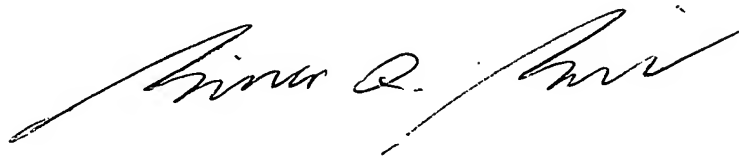
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

qhn

Quynh H. Nguyen
May 12, 2005

A handwritten signature in black ink, appearing to read "Bing Q. Bui". The signature is fluid and cursive, with a long horizontal stroke at the end.

**BING Q. BUI
PRIMARY EXAMINER**